



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: HARTLEY et al. Examiner: Unassigned
Serial No.: 10/798,794 Group Art Unit: 3762
Filed: March 11, 2004 Docket No.: GUID.128PA
(03-079)
Title: RATE REGULARIZATION OF CARDIAC PACING FOR
DISORDERED BREATHING THERAPY

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence and the papers, as described hereinabove, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to:, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on Feb 11, 2005.

By: Kelly S. Waltigney

Kelly S. Waltigney

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (37 C.F.R. §1.97(b))

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Forms 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted either within three months of the filing date or before the first Office Action of the above-identified application. Accordingly, no fee is due for consideration of the items listed on the enclosed Forms 1449.

In accordance with 37 C.F.R. §1.98(a)(2), and the 05 August 2003 Official Gazette Notice, only a copy of each foreign document or non-U.S. patent/application listed on the enclosed Forms 1449 is provided.

Please note that any notations or markings on the attached documents do not reflect particular relevance, or lack thereof, to the present application, nor were they necessarily made by anyone affiliated with the prosecution of the present application.


No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Forms 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Respectfully submitted,

Crawford Maunu PLLC
1270 Northland Drive
Suite 390
St. Paul, MN 55120
651/686-6633

Dated: 2/4, 2005

By: 
Clara Davis
Reg. No. 50,495

FORM 1449 P INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary)	Docket Number: GUID.128PA (03-079)	Application Number: 10/798,794
	Applicant: Hartley <i>et al.</i>	
	Filing Date: March 11, 2004	Group Art Unit: 3762

U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	4,365,636	12/28/1982	Barker			
	4,813,427	3/21/1989	Schlaefke <i>et al.</i>			
	4,827,935	5/9/1989	Geddes <i>et al.</i>			
	4,830,008	5/16/1989	Meer			
	5,105,354	4/14/1992	Nishimura			
	5,123,425	6/23/1992	Shannon, Jr. <i>et al.</i>			
	5,146,918	9/15/1992	Kallok <i>et al.</i>			
	5,178,156	1/12/1993	Takishima <i>et al.</i>			
	5,187,657	2/16/1993	Forbes			
	5,211,173	5/18/1993	Kallok <i>et al.</i>			
	5,215,082	6/1/1993	Kallok <i>et al.</i>			
	5,233,983	8/10/1993	Markowitz			
	5,335,657	8/9/1994	Terry, Jr. <i>et al.</i>			
	5,483,969	1/16/1996	Testerman <i>et al.</i>			
	5,485,851	1/23/1996	Erickson			
	5,522,862	6/4/1996	Testerman <i>et al.</i>			
	5,549,655	8/27/1996	Erickson			
	5,738,102	4/14/1998	Lemelson			
	5,814,087	9/29/1998	Renirie			
	5,844,680	12/1/1998	Sperling			
	5,871,011	1/19/1999	Stoop			
	5,891,023	4/6/1999	Lynn			
	5,911,218	6/15/1999	DiMarco			
	5,944,680	8/31/1999	Christopherson <i>et al.</i>			
	5,974,340	10/26/1999	Kadhiresan			
	6,064,910	5/16/2000	Andersson <i>et al.</i>			
	6,091,973	7/18/2000	Colla <i>et al.</i>			
	6,099,479	8/8/2000	Christopherson <i>et al.</i>			
	6,128,534	10/3/2000	Park <i>et al.</i>			

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	

FORM 1449* INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary)	Docket Number: GUID: 128PA (03-079)	Application Number: 10/798,794
	Applicant: Hartley et al.	
	Filing Date: March 11, 2004	Group Art Unit: 3762

U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	6,132,384	10/17/2000	Christopherson et al.			
	6,141,590	10/31/2000	Renirie et al.			
	6,240,316	5/29/2001	Richmond et al.			
	6,251,126	6/26/2001	Ottenhoff et al.			
	6,269,269	7/31/2001	Ottenhoff et al.			
	6,272,377	8/7/2001	Sweeney et al.			
	6,275,727	8/14/2001	Hopper et al.			
	6,363,270	3/26/2002	Colla et al.			
	6,415,183	7/2/2002	Scheiner et al.			
	6,480,733	11/12/2002	Turcott			
	6,574,507	6/3/2003	Bonnet			
	6,589,188	7/8/2003	STREET et al.			
	6,641,542	11/4/2003	Cho et al.			
	6,773,404	8/10/2004	Poezevera et al.			
	20030153953	8/14/2003	Park et al.			
	20030153954	8/14/2003	Park et al.			
	20030153955	8/14/2003	Park et al.			
	20030153956	8/14/2003	Park et al.			
	20030195571	10/16/2003	Burnes et al.			
	20030199945	10/23/2003	Ciulla			
	20030204213	10/30/2003	Jensen et al.			
	20040002742	1/1/2004	Florio			
	20040030362	2/12/2004	Hill et al.			
	2002/0193839	12/19/2002	Cho et al.			
	2003/0055461	3/20/2003	Girouard et al.			
	2003/0153956	8/14/2003	Park et al.			
	2003/0163059	8/28/2003	Poezevera et al.			
	2004/0088027	5/6/2004	Burnes et al.			
	2004/0138719	7/15/2004	Cho et al.			

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	

FORM 1449* INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary)	Docket Number: GUID.128PA (03-079)	Application Number: 10/798,794
	Applicant: Hartley et al.	
	Filing Date: March 11, 2004	Group Art Unit: 3762

U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
	EP 0 940 155 A	8/9/1999	EPO			
	EP 1 151 718 A	7/11/2001	EPO			
	WO 00/01438 A	13/01/2000	WIPO			
	WO 00/17615	30/03/2000	WIPO			
(√ attached) (OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.))						
		Balaban et al., <i>Feasibility of Screening for Sleep Apnea Using Pacemaker Impedance Sensor</i> , NASPE (2001).				
	√	Bradley et al., Pathophysiologic and Therapeutic Implications of Sleep Apnea in Congestive Heart Failure, 3 J. Cardiac Failure 223-240 (1996). Abstract only.				
	√	Bradley et al., Sleep Apnea and Heart Failure, Park I: Obstructive Sleep Apnea, 107 Circulation 1671-1678 (2003).				
		Garrigue et al., Night Atrial Overdrive with DDD Pacing Results in a Significant Reduction of Sleep Apnea Episodes and QOL Improvement in Heart Failure Patients, NASPE (2001).				
	√	Garrigue et al., Benefit of Atrial Pacing in Sleep Apnea Syndrome, 346 N. Engl. J. Med. 404-412 (2002). Abstract only.				
	√	Hilton et al., Evaluation of Frequency and Time-frequency Spectral Analysis of Heart Rate Variability as a Diagnostic Marker of the Sleep Apnea Syndrome, 37 Med. Biol. Eng. Comput. 760-769 (1999). Abstract only.				
		Jais et al., Night Atrial Overdrive with DDD Pacing: a New Therapy for Sleep Apnea Syndrome, NASPE (2000).				
	√	Javaheri et al., Sleep Apnea in 81 Ambulatory Male Patients with Stable Heart Failure: Types and Their Prevalences, Consequences, and Presentations, 97 Circulation 2154-2159 (1998).				
	√	Olusola et al., Nightcap: Laboratory and home-based evaluation of a portable sleep monitor, 32 Psychophysiology, 32-98 (1995). Abstract only.				
		Verrier et al., Sleep, dreams, and sudden death: the case for sleep as an autonomic stress test for the heart, 31 Cardiovascular Research 181-211 (1996).				
		Verrier et al., Sleep Related Cardiovascular Risk: New Home-Based Monitoring Technology for Improved Diagnosis and Therapy, 2 A.N.E. 158-175 (1997).				
	√	Roche et al., Screening of Obstructive Sleep Apnea Syndrome by Heart Rate Variability Analysis, 100 Circulation 1411-1455 (1999).				
	√	Shahrokh, A Mechanism of Central Sleep Apnea In Patients With Heart Failure, 341 N. Engl. J. Med. 949-954 (1999). Abstract only.				
	√	Vanninen et al., Cardiac Sympathovagal Balance During Sleep Apnea Episodes, 16 Clin. Physiol. 209-216 (1996). Abstract only.				
	√	Waldemark et al., Detection of Apnea using Short Window FFT Technique and Artificial Neural Network, 3390 SPIE International Society for Optical Engineering 122-133 (1998).				
	√	Young et al., The Occurrence of Sleep-Disordered Breathing Among Middle Aged Adults, N. Engl. J. Med. 1230-1235 (1993). Abstract only.				

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	